



Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2882

PATENT
ATTORNEY DOCKET: 046884-5328

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masayoshi ISHIKAWA et al.

Application No.: 10/510,212

Filed: June 27, 2005

For: X-RAY TUBE CONTROL
APPARATUS AND X-RAY
TUBE CONTROL METHOD

)
)
) Confirmation No.: 8665
)
) Group Art Unit: 2882
)
) Examiner: Anastasia Midkiff
)

04/05/2007 HMARZI1 00000070 10510212
01 FC:1401

500.00 OP

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

04/05/2007 HMARZI1 00000070 10510212
02 FC:1253

900.00 OP

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 4, 2006, finally rejecting claims 2-4, 6-8, 10-12 and 15-17.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

04/05/2007 HMARZI1 00000070 10510212
01 FC:1401 HMARZI1 00000070 10510212
02 FC:1253
900.00 OP

- ☒ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ 900.00 (balance due for \$1,020 fee less \$120 One-Month Extension of Time Fee previously paid on February 5, 2007).

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ Enclosed is a check in the amount of \$1,400.00 (\$900 for adjusted three-month Extension of Time Fee and \$500 for the Notice of Appeal Fee).
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of _____ for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: April 4, 2007

By:



Paul A. Fournier

Registration No. 41,023

Customer No. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465